

Chapter 5.54**COMMERCIAL PHOTOGRAPHY**

(2117-11/76, 2812-2/86)

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5.54.010 Definitions. As used in this chapter, commercial or professional photography shall mean the use for profit or commercial purposes outside a studio, of electronic or film equipment, which employs tape, wire or direct transmission, film or some other medium, to record, project and transmit, with or without sound, images of moving or stationary objects or persons. For the purpose of this chapter, still photography shall mean the art or process of producing images on a sensitized surface by the action of light or other radiant energy. (2812-2/86)

5.54.020 Permit required. No person shall engage in any commercial or professional photography which uses public property in this city as a location site without first applying to and obtaining from the City Administrator, or his authorized representative, a permit therefor. (2812-2/86)

5.54.030 Application--Contents. A written application shall be made on a form provided by the City Administrator, and shall contain the following information:

- (a) Name of applicant and its authorized agent;
- (b) Address and telephone number of applicant and its authorized agent;
- (c) A description of the nature and location (including the common street address if applicable) of the proposed activity;
- (d) Dates and times for which the permit is requested;
- (e) Agreement that the city shall be reimbursed when any city personnel and equipment is used in connection with such activity;
- (f) Agreement that the site shall be cleaned and restored to its original condition; and
- (g) Any other information which the City Administrator, or his authorized representative, may deem necessary. (2812-2/86)

5.54.040 Insurance. The applicant shall furnish public liability and property damage insurance, together with evidence of workers' compensation coverage, where applicable, conditioned that the city, its elective and appointive officers, employees, and all council-appointed commissions, boards and committees shall be indemnified and held harmless from all loss, cost, damage, expense and liability which may arise out of the proposed activity, and all loss or damage which may be sustained by any person as a result of, or which may be caused by or arise out of the conduct of such activity. Such insurance shall be written on an insurance company licensed to

do business in the state of California, in a form approved by the City Attorney, and in an amount established by resolution of the City Council. Such insurance shall be at the permittee's sole expense and shall remain in force during the time the permit is in effect. (2812-2/86)

5.54.050 Fees and deposit. Prior to issuance of a permit, a nonrefundable fee shall be paid to defray the cost of processing the application, to cover the use of the property described in the application, and to insure that all equipment belonging to the permittee is removed at the completion of the activity. An additional fee shall be required in the event permittee requests the use of any city personnel and equipment. All fees shall be established by resolution of the City Council.

The City Administrator, or his authorized representative, may also require deposit of a reasonable sum to be refunded unless such cleanup and restoration of the location site is performed by the city. (2812-2/86)

5.54.060 Rescheduling. Dates and times, set out in the permit, may be changed at the request of permittee who shall inform the City Administrator, or his authorized representative, of the need therefor at least five (5) working days in advance of the time originally set for starting such activity. (2812-2/86)

5.54.070 Temporary street closure. If the location site includes the use of a city street which may require temporary closure, the chief of police, Fire Chief and the Director of Public Works shall investigate and furnish the following information to the City Administrator:

- (a) Whether the time, duration and size of the temporary street closure will substantially disrupt the orderly, safe movement of other traffic;
- (b) Whether the concentration of persons will unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such street closure;
- (c) Whether there will be undue interference with the orderly operation of parks, hospitals, churches, schools or other public and quasi public institutions in adjacent areas;
- (d) Whether parking is requested to be restricted or prohibited;
- (e) Whether such temporary street closure will occupy all or only a portion of a street, and whether an intersection is involved.

The permittee shall provide barricades and warning lights as are deemed necessary by and are acceptable to the Director of Public Works. (2812-2/86)

5.54.080 Exception. The provisions of this chapter shall not apply to persons employed by another governmental agency, or to photographers, motion picture or television cameramen employed by a major news network or bona fide news publication, or to aerial photography, including aero mapping and survey. (2812-2/86)

5.54.090 Penalty. The failure of any person to comply with the provisions of this chapter shall constitute unlawful trespass on public property and shall be a MISDEMEANOR. Upon conviction thereof, any person, firm or corporation shall be punished for each offense by a fine not to exceed \$500 or six months in the county jail, or both such fine and conviction, and a separate offense shall be deemed committed on each day during which a violation occurs or continues. (2812-2/86)